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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,579	01/03/2006	Andreas Juretzka	095309.56087US	7899
23911 CROWELL &	7590 11/16/200° MORING LLP	EXAMINER		
INTELLECTUAL PROPERTY GROUP			SOLIS, ERICK R	
P.O. BOX 14300 WASHINGTON, DC 20044-4300			ART UNIT	PAPER NUMBER
	,		3747	
			MAIL DATE	DELIVERY MODE
		• •	11/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1) Responsive to communication(s) filed on 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 8-21 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.	Office Action Summary		Application No.	Applicant(s)			
Enicide R. Solis - The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. **PROVIDED THE TOWN THE MAILING DATE OF THIS COMMUNICATION.** **PROVIDED THE TOWN THE MAILING DATE OF THIS COMMUNICATION.** **PROVIDED THE TOWN THE MAILING DATE OF THIS COMMUNICATION.** **PROVIDED THE TOWN THE MAILING DATE OF THIS COMMUNICATION.** **PROVIDED THE TOWN THE MAILING DATE OF THIS COMMUNICATION.** **PROVIDED THE TOWN THE MAILING THE TOWN THE MAILING DATE OF THIS COMMUNICATION.** **PROVIDED THE TOWN THE MAILING THE TOWN THE MAILING DATE OF THE TOWN THE MAILING THE TOWN THE MAILING THE TOWN THE TOWN THE MAILING THE TOWN THE MAILING THE TOWN THE MAILING THE TOWN THE MAILING THE TOWN THE TOWN THE MAILING THE MAILING THE TOWN THE TOWN THE MAILING THE TOWN THE MAILING THE TOWN THE MAILING THE TOWN THE TOWN THE MAILING THE TOWN THE TOWN THE MAILING THE TOWN THE TOWN THE TOWN THE TOWN TH			10/529,579	JURETZKA ET AL.			
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1) Responsive to communication(s) filed on	WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any						
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DETAILED ACTION

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
- 3. Claims 8-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko (US Patent Application Publication No. 2002/0117126). See the abstract and Fig. 4B, when the engine is operating in a 2-cycle mode. The use of a supercharger or turbocharger to boost pressure is well known and considered an obvious matter of design choice.
- 4. Claims 8-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarke et al (US Patent No. 5117790). See the abstract and Fig. 4, when the engine is operating in an early

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intake closing 2-stroke mode. The use of a supercharger or turbocharger to boost pressure is

well known and considered an obvious matter of design choice.

5. Claims 8-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP-8028311.

See the abstract and Fig. 15. The use of a supercharger or turbocharger to boost pressure is well

known and considered an obvious matter of design choice.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Erick R Solis whose telephone number is (571) 272-4853. The

examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Cronin can be reached on (571) 272-4536. The fax phone number for the

organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (571) 272-3700.

Erick R Solis

Primary Examiner

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ers

October 15, 2007